

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>JOHN F. CURRAN, III</b>	:	<b>CIVIL ACTION NO. 1:11-cv-2127</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Kane)</b>
	:	<b>(Magistrate Judge Smyser)</b>
<b>v.</b>	:	
	:	
<b>CARBON SPYDER, JOHN L.</b>	:	
<b>MITCHELL, and RONALD WELSH</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

Before the court in the captioned action is an April 25, 2012 report of the magistrate judge. No timely objections have been filed.

Accordingly, this 17<sup>th</sup> day of May, 2012, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Smyser.
- 2) The claims in the amended complaint against Defendant Welsh are dismissed for lack of subject-matter jurisdiction.
- 3) Defendant Welsh is terminated from this action.
- 4) Defendant Welshs' motions to dismiss (Doc. Nos. 49, 51) are denied as moot.
- 5) The case is remanded to Magistrate Judge J. Andrew Smyser for further proceedings.

s/ Yvette Kane  
YVETTE KANE, Chief Judge  
United States District Court